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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,159	06/19/2001	Henry Crichlow	HC-3	3502

7590 04/28/2004  
Michael I. Kroll  
171 Stillwell Lane  
Syosset, NY 11791

EXAMINER

EDWARDS JR, TIMOTHY

ART UNIT	PAPER NUMBER
2635	3

DATE MAILED: 04/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/884,159

Applicant(s)

CRICHLow, HENRY

Examiner.

Timothy Edwards, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claim 12 is objected to because of the following informalities: claim 12 does not depend on a preceding claim; it depends on itself. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5,7-19,22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenney et al [US 5,897,607] and further, in view of Peevey [US 2002/0091653].

Considering claim 1, Jenney discloses an automated meter reading system comprising, a) meter reading module for determining an amount of usage at a remote location and generating a data signal indicative of the usage amount (see col 4, lines 34-42 and fig 1, item 5); b) a communication device located at the remote location connected to the meter reading module and connectable to the internet (see col 3, lines 61-67, col 4, lines 54-63 and col 11, lines 41-55 and fig 2, items 5, 8 and 16); c) communication device receiving and storing the data signal from the meter reading module is not specifically recited by Jenney. The meter reading module and the communication

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device of the Jenney system is within a single housing. Jenney discloses a meter reading means and means for storing and transmitting metering data via the Internet. Jenney also, described his meter-reading unit (5) as a computer having software, storage and transmitting means. Examiner believes the mere fact that the Jenney system is integral does not preclude it from addressing the scope of the present invention because without undue experimentation one of ordinary skill in the art would be able to cast the Jenney meter-reading device into its various elements. Furthermore, Peevey teaches (see page 2, paragraph [0015]) a communication device at a remote location from a meter reading module for processing meter data. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Jenney system by separating the meter reading unit into its constituent part and place the communication device at a remote location as taught by Peevey because both references are concern with transmission of meter data and one of ordinary skill in the art would have the knowledge to separate the components of the Jenney system and put the communication means remote from the meter reading means; d) transmitting data signals to a central location (see col 4, lines 54-66); e) central location able to communicate with the communication device via the internet (see col 5, lines 24-31); f) central location determining an amount of usage of a utility is inherent in a utility reporting system (the central location is interpreted as being a utility company).

Considering claims 2-4,17,18 Jenney does not specifically recite a means of connecting the meter reading module to the communication device. Jenney discloses wireless

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communication means (see col 6, line 64 to col 7, line 4) claim 1; part (c) addresses the separation of the Jenney system into its constituent parts. Peevey teaches (see paragraph [0036]) a connection means between a meter reading module and a communication means, which encompasses wire and wireless connections.

Obviousness is as stated in claim 1, part (c).

Considering claims 5,19 Jenney discloses the limitation of these claims in col 6, lines 50-63 and col 16, lines 38-43.

Considering claims 7,22 Jenney discloses the limitation of these claims in col 4, lines 20-22.

Considering claims 8-10,23-25 Jenney discloses the limitation of these claims in col 4, lines 34-39.

Considering claims 11 and 26, Jenney does not specifically recite a payment of a utility bill received from the utility company is payable from the communication device.

However, Jenney teaches a system where the consumer obtains information via the communication device (see col 5, lines 24-30, col 7, lines 4-7 and col 12, line 59 to col 13, line 3) via the internet and the utility company receives and transmit information to the communication device via the internet (see col 4, line 59 to col 5, line 6). Jenney also teaches the automatic meter reading device being a personal computer for

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receiving, processing and transmitting utility data (see col 16, lines 38-48). Peevey teaches in paragraph [0053] a communication device (data processing system 54), an information system (58) and a payment system may be implemented on a single computer using the appropriate software. Electronic bill receiving and paying is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to pay bill electronically as taught by Peevey using the system of Jenney because both references are concern with the processing of utility data on a computer. Jenney suggests the modification of his system with hardware and software (see col 16, lines 20-29) and computer are known to have means to process and pay bills, also in a utility environment the object is to ultimately bill the utility customer.

Considering claims 12 and 27, Jenney does not specifically recite payment of a utility bill is by the communication device. Jenney also teaches the automatic meter reading device being a personal computer for receiving, processing and transmitting utility data (see col 16, lines 38-48). Peevey teaches in paragraph [0053] a communication device (data processing system 54), an information system (58) and a payment system may be implemented on a single computer. Obviousness is as stated in claim 11.

Considering claim 13, the limitations of this claim are interpreted and rejected as stated in claim 1.

Considering claim 14, Jenney discloses the limitation of this claim in col 7, lines 63-65, col 8, lines 27-37 and col 12, lines 63-67.

Considering claim 15, Jenney discloses the limitation of this claim in col 4, lines 54-57, col 6, lines 60-63 and col 12, lines 32-41.

Claims 6,20,21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenney and Peevey as applied to claim 1 above, and further in view of Gordon [US 4,713,837].

Considering claim 6, a) a central location includes a processor for analyzing the data signal and generating a bill based upon usage of a utility is inherent in a utility reporting system (the central location is interpreted as being a utility company); b) Jenney does not specifically recite transmitting the bill to the communication device in the form of an e-mail message, an internet browser or other internet related technologies. However Jenney discloses in col 5, lines 24-31 the use of a global computer information network and every unit in his system is able to transmit and receive data on the network. Jenney discloses the retrieving of data from the meter-reading device by the consumer (see col 11, lines 26-30). Gordon teaches (see col 5, lines 7-17 and col 6, line 51 to col 7, line 21) transmitting a utility bill to a communication device in the form of an e-mail message. Therefore, it would have been obvious to one of ordinary skill in the art to transmit utility billing data to a communication device, as taught by Gordon, in the

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Jenney system because Jenney teaches a system where the utility company and the consumer share information to and obtain information from the internet.

Considering claims 20,21, the limitations of this claim are interpreted and rejected as stated in claim 6.

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is Roos '276, Carpenter et al '537 and Burke et al '826. Each reference discloses the use of the Internet to obtain or process utility data.

2. Any inquiry concerning this communication should be directed to Examiner Timothy Edwards at telephone number (703) 305-4896. The examiner can normally be reached on Monday-Thursday, 8:30 a.m.-4:00 p.m. The examiner cannot be reached on Fridays.

If attempt to reach the examinee by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703) 305-4704.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks



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Washington, D.C. 20231

or fax to:

(703), 872-9314 (for formal communications intended for entry)

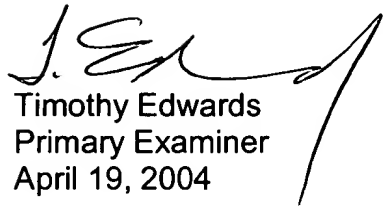
Or:

(for informal or draft communications, please label "PROPOSED"

or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).



Timothy Edwards  
Primary Examiner  
April 19, 2004